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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/631,076	08/02/2000	Steven Paul Hasmanis	COX 1484-007	8156
8698 7590 08/08/2007 STANDLEY LAW GROUP LLP 495 METRO PLACE SOUTH SUITE 210 DUBLIN, OH 43017			EXAMINER SING, SIMON P	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 08/08/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/631,076

Applicant(s)

HASMANIS ET AL.

Examiner

Simon Sing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3, 5-10 and 12-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Sartain et al. US 5,914,712 in view of Lewis et al. US 4,852,154 and further in view of Ferraro US 5,151,782.

1.1 Regarding claim 1, Sartain discloses an interactive video system (cable TV, column 4, lines 44-65) comprising:

a switch (a telephone system inherently comprising a switch) for receiving calls, including the caller's number (column 5, lines 1-6) and the called number (column 2, lines 49-56);

an automatic voice response unit 600 (figure 5) for providing recorded voice response with multiple applications (column 3, lines 29-34, 58-64; column 9, lines 42-46; column 10, lines 8-15);

a data storage component configured with customer information and event information, the customer information including account information (column 4, lines 26-

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28; column 5, lines 1-6, 11-22) and the event information including a cable television event title (column 4, lines 6-18; column 10, lines 32-40);
a temporary data container (log) for storing customer data received for use in call processing (column 4, lines 22-26);

wherein the system is configured to retrieve the customer data based on an identification number (column 4, lines 22-26) or calling telephone number (column 5, lines 1-6) and store the customer data in the log for use in subsequent call process applications (column 4, lines 22-28; column 5, lines 1-6, 11-22).

Sartain teaches providing different telephone numbers for different selection types such as regular selection and promotional activities (column 3, lines 17-20), but fails to teach that each television event has its own unique telephone number. Sartain also teaches that when ordering from a telephone outside a subscriber's home, some type of account number must be provided for payment (column 3, lines 51-54; column 4, lines 26-28; column 5, lines 1-6, 11-22), and a caller's telephone number is used to check payment information (column 5, lines 1-8). Sartain fails to explicitly teach using a calling number to obtain a caller's account.

However, Lewis, discloses a cable TV event ordering system in figure 1, Lewis teaches a switch 18 for receiving a calling telephone and a called telephone number (column 3, lines 40-53; column 4, lines 24-35; column 5, lines 44-58), a computer 30 for storing customer and television events information (column 6, lines 33-35; column 3, lines 40-53), a voice response unit (VRU) 36 for interacting with customers (column 6,

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lines 48-59). Lewis further teaches that each called telephone number uniquely identifies a selected television event (Abstract; column 3, lines 40-45).

In addition, Ferraro teaches that a calling number (ANI) is used to obtain the account number of a caller in a cable television environment (column 14, lines 14-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sartain's reference with the teachings of Lewis and Ferraro, so that each cable television's special event, such the "Rolling Sone" video, and each special sporting and entertainment events, would have its own unique telephone number for ordering, and a customer account number would have been retrieved by the ANI, because, because such modification would have simplified cable event ordering by eliminating a program ID selecting step, and would have clarified how a customer was billed when calling from his own home.

1.2 Regarding claim 2, the modified Sartain's system teaches pay-per-view of cable television events (Sartain, column 5, lines 1-22; Lewis, Abstract).

1.3 Regarding claim 3, Sartain teaches different application for different television programs on the voice response unit (column 3, lines 29-34).

1.4 Regarding claim 5, Sartain teaches multiple calling numbers for multiple programs which inherently has a number table for processing incoming calls based on the called number.

1.5 Regarding claim 6, Sartain teaches that the calling number and the called number are stored in the log (column 4, lines 22-28).

1.6 Regarding claim 7, it is inherent that various data are transmitted between the switch and the voice response unit, such as prompts and billing information.

1.7 Regarding claim 8, an examiner notice is served that it is well known in the art that there is a live operator connected to an automated system in order to solve problems encountered by the automated system.

1.8 Regarding claim 9, Sartain teaches retrieving a customer's data before processing ordering (column 5, lines 1-22).

1.9 Regarding claim 10, Sartain teaches that the customer's data includes credit data (column 5, lines 1-22).

1.10 Regarding claim 12, the modified Sartain reference, teaches that the voice response unit includes a called number pay-per-view (PPV) based application (column 3, lines 17-20), a menu based PPV application (column 3, lines 29-34) and a call routing functions for retrieving a customers data (column 4, lines 22-28).

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1.11 Regarding claim 13, the modified Sartain reference teaches multiple telephone numbers, each for a television event, and Sartain teaches that each PPV program has its own prompt for processing orders (column 3, lines 29-34).

1.12 Regarding claim 14, Sartain discloses a method for television programs (events) ordering, comprising steps or:

receiving a call at a switch (a telephone system inherently comprising a switch) column (column 2, lines 49-56);

obtaining the caller's number (column 5, lines 1-6) and the called number (column 2, lines 49-56);

retrieving customer data from a database based on the calling number (column 5, lines 1-6);

storing the retrieved customer data in a log (temporary storage) (column 4, lines 22-28); and

running an automatic voice response application for cable television program ordering (column 3, lines 29-34; column 9, lines 42-46; column 10, lines 8-15).

Sartain teaches providing different telephone numbers for different selection types such as regular selection and promotional activities (column 3, lines 17-20), but fails to teach that each television event has its own unique telephone number. Sartain also teaches that when ordering from a telephone outside a subscriber's home, some type of account number must be provided for payment (column 3, lines 51-54), and a

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caller's telephone number is used to check payment information (column 5, lines 1-8), but fails to teach using a calling number to obtain a caller's account.

However, Lewis, discloses a cable TV event ordering system in figure 1. Lewis teaches a switch 18 for receiving a calling telephone and a called telephone number (column 3, lines 40-53; column 4, lines 24-35; column 5, lines 44-58), a computer 30 for storing customer and television events information (column 6, lines 33-35; column 3, lines 40-53), a voice response unit (VRU) 36 for interacting with customers (column 6, lines 48-59). Lewis further teaches that each called telephone number uniquely identifies a selected television event (Abstract; column 3, lines 40-45).

In addition, Ferraro teaches that a calling number (ANI) is used to obtain the account number of a caller in a cable television environment (column 14, lines 14-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sartain's reference with the teachings of Lewis and Ferraro, so that each cable television's special event, such the "Rolling Sone" video, and each special sporting and entertainment events, would have its own unique telephone number for ordering, and a customer account number would have been retrieved by the ANI, because, because such modification would have simplified cable event ordering by eliminating a program ID selecting step, and would have clarified how a customer was billed when calling from his own home.

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2. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sartain et al. US 5,914,712 in view of Lewis et al. US 4,852,154 and further in view of Ferraro US 5,151,782 and further in view of Hendricks et al US 6,160,989.

The modified Sartain reference, teaches cable television event ordering system, but fails to teach referring a customer to a live agent in case the customer has bad credit.

However, Hendricks discloses cable TV delivery system. Hendricks teaches that if a subscriber's account is delinquent (bad credit), any order of new program or channels is denied, and then the subscriber is referred to a live operator (agent) (column 33, lines 3-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Sartain's reference, which was modified by Lewis, with the teaching of Hendricks, so that orders from customers with bad credits would have been denied, and the customers would have been referred to a live operator for resolving payment questions, because such modification would have allowed the live operator to resolve payment issue with the customer.

3. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sartain et al. US 5,914,712 in view of Lewis et al. US 4,852,154 and further in view of Ferraro US 5,151,782 and further in view of Stoel et al. US 5,905,942.

The modified Sartain's reference, Sartain further teaches using a customer number (PIN) to identify a customer (column 5, lines 8-11), but fails to teach that the PIN includes a rating.

However, Stoel teaches a method for video distribution. Stoel teaches that a subscriber is required to enter PIN for PIN based rating of movies or PPV events (column 5, lines 41-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Sartain's reference with the teaching of Stoel, so that the PIN would have included rating information, because such modification would have prevented minors to order adult programs.

Response to Arguments

4. Applicant's arguments filed on 07/03/2006 have been fully considered but they are not persuasive.

Applicants first argue that Sartain does not teach pay-per-view for claim 1 and claim 14. Examiner likes to point out that claim 1 and claim 14 never recite (claim) pay-per-view, and Sartain suggests pay-per-view TV programs by checking if a subscriber's account limit has been reached, then the subscriber's order is denied (column 5, lines 13-19).

Applicants further argue that Sartain fails to teach using an ANI (caller's phone number) to obtain a subscriber's account. As stated in column 5, lines 1-8, Sartain

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teaches using an ANI to associate with an subscriber's account, and Ferrara further clarifies this limitation by teaching using ANI to identify a subscriber's account for billing (column 14, lines 14-23).

Conclusion

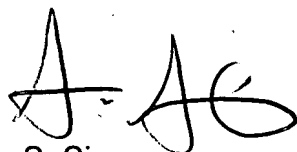
5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for

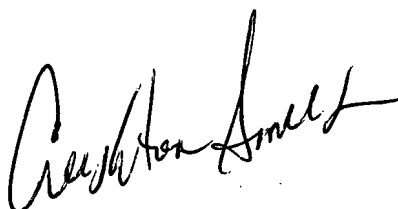
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the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

A handwritten signature in black ink, appearing to be 'S. Sing', with a stylized, cursive script.

S. Sing

08/03/2007

A handwritten signature in black ink, appearing to be 'Creighton Smith', with a stylized, cursive script.

CREIGHTON SMITH
PRIMARY EXAMINER